

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters: Administrative Requirement as set forth below.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. As the application has closed on the merits, applicant is now required to make the submission to comply with the Administrative Requirement with regard to any double patenting issues between the instant application and the related copending applications. Applicants' compliance will take the form of one of the following actions:

- a. filing terminal disclaimers in each of the related co-pending applications terminally disclaiming each of the other co-pending applications;
- b. providing an affidavit attesting to the fact that all claims in the co-pending applications have been reviewed by applicant and that no conflicting claims exists between the applications; or
- c. resolving all conflicts between claims in the identified co-pending applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the identified co-pending applications.

3. An examiner's amendment to the record appears below. Authorization for this examiner's amendment was given by Carl L. Benson on 11/13/2009.

The application has been amended as follows:

1. (Cancelled)

2. (Currently Amended) A television receiver station apparatus for detecting the status of a television display and storing a television program on a video storage device depending on the status of said television display, said television receiver station apparatus comprising:

a receiver section for receiving a broadcast carrier transmission; a demodulator operatively connected to said receiver section, said demodulator demodulating said broadcast carrier transmission to detect an information transmission therein;

a processor operatively connected to said demodulator and said receiver, said processor detecting and routing control signals associated with said information transmission; and

a controller operatively connected to said processor, said controller receiving said information transmission from said processor and detecting ~~the status of~~ if a television display is displaying content, said controller at least one of (i) routing to said video storage device and (ii) actuating said video storage device to store a selected portion of said information transmission ~~depending on the status of said television display~~ when said television display is not displaying content.

3-13. (Cancelled)

14. (Currently amended) A method of signal processing at a television receiver station, said television receiver station having a television receiver, a television monitor, a signal detector, a processor, and a storage device, said method comprising the steps of:

informing said television receiver station of at least one of:

(1) a television program of interest, said television program designated by at least one of a title and subject matter; and

(2) a time to at least one of receive and display a television program;
receiving said television program based on said step of informing;
determining said television monitor is not outputting at least a portion of said television program; and

controlling at least one apparatus ~~based on said step of determining~~ when said television monitor is not outputting.

15. (Previously presented) The method of claim 14, wherein said at least one controlled apparatus includes said storage device, said method further having at least one step of the group consisting of:

directing said television program to said storage device; and storing said television program on said storage device.

16. (Previously presented) The method of claim 14, wherein said at least one controlled apparatus includes said television monitor, said method further having at least one step of the group consisting of:

directing said television program to said television monitor; and
displaying said television program on said television monitor.

17-22. (Cancelled)

Allowable Subject Matter

4. Claims 2 and 14-16 are allowed.

5. The following is an examiner's statement of reasons for allowance. These reasons for allowance should not be interpreted to imply that limitations not specifically mentioned are immaterial to patentability. The specific limitations identified below have been considered in combination with the entirety of the claim in determining patentability.

The prior art of record teaches routing television programs to storage devices at a scheduled time and/or actuating the storage device at the scheduled time (Jackson; US 4,081,754; col. 6, l. 65 to col. 7, l. 10), routing television programs to storage when a stored code matches a code in the received signal (Yarbrough et al.; US 4,598,288; col. 5, ll. 1-62), and routing television programs to storage when a particular program is located using program identification information stored in the receiver (Kruger et al. (US

4,488,179). However, none of the references of record teach detecting whether a television is displaying content and routing a transmission to storage or actuating a video storage device to store the transmission when the television is not displaying content.

However, regarding claim 2, the prior art of record fails to disclose or fairly suggest an apparatus as claimed, wherein the apparatus has a controller that detects if a television is displaying content and either routes to video storage or actuates a video storage device to store a selected portion of an information transmission when the television is not displaying content.

Regarding claim 14, the prior art of record fails to disclose or fairly suggest an method as claimed, wherein a determination is made that a television monitor is not outputting at least a portion of a received television program and an apparatus is controlled when the television monitor is not outputting.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448